

### **REMARKS**

This application has been reviewed in light of the Office Action dated November 28, 2005. Claims 1-23 are pending in the application. Claims 1-23 are amended in a manner that Applicant believes overcome the rejections in the Office Action. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicant is believed to be entitled. Applicant submits that no new matter or issues are introduced by the amendments.

Initially, in the Office Action, Claims 3, 12 and 14 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner also objected to Claim 7 because of informalities cited in the Office Action. Claims 3, 7, 12 and 14 are amended in a manner believed to overcome the rejections. Reconsideration and withdrawal of the rejections are respectfully requested.

Generally, the inventive system and method differ fundamentally from the cited prior art. The present inventive system delivers a multimedia product, and downstream marketing and advertising to purchasers. This dual marketing feature can be used, for example, to transmit a movie as well as advertising material for marketing the movie. Therefore, the present inventive system and method benefit from several advantages such as the capability to download movies and associated advertising to increase patron attendance, market locally, and create a customer database.

In the Office Action, Claim 11 is rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,038,367 to Abecassis (Abecassis '367). However, it is respectfully submitted that amended independent claim 11 clearly and patentably distinguishes over the Abecassis '367 patent.

The Abecassis '367 patent discloses a video provider and subscriber network 900. (col. 31, lines 54-65, Fig. 9). The Abecassis '367 patent does not disclose distributing of multimedia and associated advertising. Providers 911, 912, 913 transmit a video and subscribers 931, 932, 933, 934, 935, 936 receive the video. In contrast, amended claim 11 of the present application recites, *inter alia*, "[a] distribution system for distributing multimedia comprising...an input device... receiving multimedia material and associated advertising material, and transferring said materials into said first memory in a digital format via said central processing unit...a digital

feature film projector in data communication with said second central processing unit for displaying said digital format as a feature film onto a screen for presentation to an audience, said feature film being stored in said digital format in said second memory after being transferred via said communications network from said first memory.”

The Abecassis ‘367 patent in no way discloses or suggests a system as recited in amended claim 11. The Abecassis ‘367 patent does not disclose or suggest, *inter alia*, a distribution system for distributing multimedia including an input device that receives multimedia material and associated advertising material and transfers these materials into a memory of a first central processing unit in a digital format, and a digital feature film projector in data communication with a second central processing unit for displaying the digital format as a feature film onto a screen for presentation to an audience, the feature film being stored in the digital format in a second memory of the second central processing unit after being transferred via a communications network from the first memory. Rather, the Abecassis ‘367 patent only discloses the transmission of a video to a subscriber. The present inventive disclosure can transfer, for example, a movie and associated advertising, which results in several advantages such as increased patronage, local marketing, and the creation of consumer databases.

Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent claim 11 is patentable and not obvious over the Abecassis ‘367 patent. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 1-7 are rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2002/0162113 to Hunter (Hunter ‘0162113) in view of U.S. Patent No. 5,924,013 to Guido et al. (Guido ‘013), U.S. Patent No. 5,918,213 to Bernard et al. (Bernard ‘213) and U.S. Patent No. 6,038,545 to Mandenberg et al. (Mandenberg ‘545). However, it is respectfully submitted that amended independent claim 1 and claims 2-7 ultimately depending therefrom clearly and patentably distinguish over the Hunter ‘0162113 publication in any combination with the Guido ‘013 patent, the Bernard ‘213 patent and the Mandenberg ‘545 patent.

The Hunter '0162113 publication discloses a system 20 for placement of advertisement displays 30 located in high vehicular and pedestrian traffic areas (paragraph 0021), and in a separate embodiment, a system 220 that connects movie display devices 230 located in movie theater (0059). In an alternate embodiment, a system 420 has an input module 470 that transmits advertising displays 30 and separately transmits movies to movie theater display devices 30M disposed in an alternate location (0070). The Hunter '0162113 publication does not disclose any content association between advertisement display 30 and the movies displayed from devices 30M.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580, 582 (CCPA 1974); see also *CFMT Inc. v. Yieldup International Corp.*, 68 USPQ2d 1940, 1947 (Fed. Cir. 2003) and *Leinoff v. Louis Milona & Sons, Inc.*, 220 USPQ 845 (Fed. Cir. 1984). As indicated in the Office Action "the Hunter reference does not specifically disclose that input module 470 is a server."

The Examiner alleges that the Guido '013 patent cures this deficiency. However, to the contrary, the Guido '013 patent discloses a system that communicates a motion picture from a central site 2, via a satellite 4 to a movie theater 6 (col. 3, lines 31-61, Fig. 1). The digital data from a movie is routed to an RF transmitter 16 such that central site 2 is an uplink for RF communication with satellite 4 (col. 3, lines 33-36). To order a movie, a second computer 40 communicates with first computer 12 via a communication network 50. The digital signals of a movie are sent over satellite 4, and a movie theater 6 is the receiving site for the RF signals. Thus, the digital signals of the movie are transmitted over satellite 4, and not communication network 50.

The Examiner also discusses the Bernard '213 patent, which discloses an automated product purchasing and receiving system (col. 9, lines 58-62), whereby an order is placed and a fulfillment vendor 436 then processes and ships the order by mail (col. 24, lines 13-29). The Bernard '213 patent does not relate to purchasing multimedia for download over a communications network such as the Internet.

Also discussed is the Mandeberg '545 patent, which discloses a system for generating digital multimedia store displays (col. 5, lines 45-60). In particular, these store displays include multimedia presentations such as a fast food restaurant menu board (col. 5, lines 17-20).

However, "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Manufacturing Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984). None of the references cited in the Office Action provide a motivation for one skilled in the art to combine the references cited. In contrast to the teachings of the references cited in the Office Action, amended claim 11 of the present application recites, *inter alia*, "[a] method of marketing and distributing multimedia... receiving multimedia material and associated advertising material... storing said multimedia material and associated advertising material on a computer readable storage medium in a digital format... providing a server system accessible over a communication network ... said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network... providing samples of said digital format from said server system over said communication network to potential purchasers... downloading, upon request of said purchasers over said communication network, said digital format of said multimedia material from said server system; and... providing said digital format of said advertising material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material; wherein said purchaser is an exhibitor exhibiting said multimedia material in a public theater ..."

Therefore, the Hunter '0162113 publication, the Guido '013 patent, the Bernard '213 patent and the Mandeberg '545 patent in no way disclose or suggest a method as recited in amended claim 1. The Guido '013 patent, the Bernard '213 patent and the Mandeberg '545 patent do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose a method of marketing and distributing multimedia including receiving multimedia material and associated advertising material, storing materials in a digital format, providing a

server system accessible over a communication network that accesses the digital format for transfer over the communication network, providing samples of the digital format over the communication network to potential purchasers, downloading, upon request of the purchasers over the communication network, the digital format of the multimedia material from the server system, and providing the digital format of the advertising material to purchasers from said server system over the communication network allowing purchasers to locally market and sell said multimedia material wherein the purchaser is an exhibitor exhibiting the multimedia material in a public theater.

Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent claim 1 and claims 2-7 ultimately depending therefrom are patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent and the Mandenberg '545 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in view of the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, U.S. Patent Publication No. 2004/0093608 to Sprogis (Sprogis '0093608) and U.S. Patent Publication No. 2003/0172374 to Vinson (Vinson '0172374). However, it is respectfully submitted that claims 8 and 9, which depend from amended independent claim 1 clearly and patentably distinguish over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication.

The Hunter '0162113 publication, the Guido '013 patent, the Bernard '213 patent and the Mandenberg '545 patent have been discussed. The Sprogis '0093608 publication discloses a network system having computer storage for receiving and storing digital content of images for a movie theater (0010, 0029). The Vinson '0172374 publication discloses a content reaction display including a customer database of past viewing behaviors (0018, 0089).

The Hunter '0162113 publication, the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication

in no way disclose or suggest a method as recited in amended claim 1. The Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication patent do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose the method of amended claim 1 discussed above. Accordingly, it is respectfully submitted that amended independent claim 1 and claims 8 and 9 depending therefrom are patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claim 10 is rejected under 35 U.S.C. § 103(a) over the Abecassis '367 patent in view of U.S. Patent No. 6,233,523 to Sood (Sood '523). However, it is respectfully submitted that amended independent claim 10 clearly and patentably distinguishes over the Abecassis '367 patent in any combination with the Sood '523 patent.

The Abecassis '367 patent has been discussed. The Sood '523 patent discloses a method of collection and linking of potential data obtained by satellite localization (col. 2, lines 18-25). The Abecassis '367 patent and the Sood '523 patent in no way disclose or suggest a method as recited in amended claim 10. The Sood '523 patent does not cure the deficiencies of the Abecassis '367 patent in that the Abecassis '367 patent and the Sood '523 patent do not disclose the method of amended claim 10 discussed above. Accordingly, it is respectfully submitted that amended independent claim 10 is patentable and not obvious over the Abecassis '367 patent in any combination with the Sood '523 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claims 12-18 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in view of the Guido '013 patent and the Mandenberg '545 patent. However, it is respectfully submitted that amended independent claim 12 and claims 13-18, which ultimately depend therefrom clearly and patentably distinguish over the Hunter '0162113 publication in any combination with the Guido '013 patent and the Mandenberg '545 patent.

The Hunter '0162113 publication, the Guido '013 patent and the Mandeberg '545 patent in no way disclose or suggest a method as recited in amended claim 12. The Guido '013 patent, the Bernard '213 patent and the Mandeberg '545 patent do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose a method of marketing and distributing multimedia including receiving multimedia material, storing advertising material associated with said multimedia material, providing a server system accessible over a communication network that accesses the advertising material for transfer in a digital format from the server system over the communication network, establishing an account for a broadcast, providing the multimedia material to the exhibitor downloading the advertising material upon request from a customer for the advertising material over the server system, following up to determine information necessary to calculate an amount owed by the customer for the multimedia material, and charging the account of the exhibitor with the amount owed.

Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent claim 12 and claims 13-18, which ultimately depend therefrom are patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent and the Mandeberg '545 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in view of the Guido '013 patent, the Mandeberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication. However, it is respectfully submitted that claims 19 and 20, which ultimately depend from amended independent claim 12 clearly and patentably distinguish over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Mandeberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication.

The Hunter '0162113 publication, the Guido '013 patent, the Mandeberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication in no way disclose or suggest a method as recited in amended claim 12. The Guido '013 patent, the Mandeberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication patent do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose the

method of amended claim 12 as discussed above. Accordingly, it is respectfully submitted that claims 19 and 20, which ultimately depend from amended independent claim 12 are patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Mandeberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hunter '0162113 publication in view of the Guido '013 patent, the Bernard '213 patent, the Mandeberg '545 patent and the Sprogis '0093608 publication. However, it is respectfully submitted that amended independent claim 21 clearly and patentably distinguishes over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandeberg '545 patent and the Sprogis '0093608 publication.

The Hunter '0162113 publication, the Guido '013 patent, the Bernard '213 patent, the Mandeberg '545 patent and the Sprogis '0093608 publication in no way disclose or suggest a method as recited in amended claim 21. The Guido '013 patent, the Bernard '213 patent, the Mandeberg '545 patent and the Sprogis '0093608 publication do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose a method of marketing and distributing multimedia including receiving multimedia material and associated advertising material, storing the material in a digital format, providing a server system accessible over a communication network that accesses the digital format for transfer over the communication network, providing samples of the digital format from the server system over the communication network to potential purchasers, downloading, upon request of the purchasers, over the communication network, the digital format of the materials from the server system, querying the customer to stimulate the sending of ticket sales data from the customer and recording the data into a database.

Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent claim 21 is patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandeberg '545 patent and the Sprogis '0093608 publication. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claim 22 is rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in view of the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication. However, it is respectfully submitted that claim 22, which ultimately depends from amended independent claim 21 clearly and patentably distinguishes over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication.

The Hunter '0162113 publication, the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication in no way disclose or suggest a method as recited in amended claim 21. The Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication do not cure the deficiencies of the Hunter '0162113 publication in that these references do not disclose the method of amended claim 21, as described above. Accordingly, it is respectfully submitted that claim 22, which ultimately depends from amended independent claim 21 is patentable and not obvious over the Hunter '0162113 publication in any combination with the Guido '013 patent, the Bernard '213 patent, the Mandenberg '545 patent, the Sprogis '0093608 publication and the Vinson '0172374 publication. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claim 23 is rejected under 35 U.S.C. § 103(a) over the Abecassis '367 patent in view of the Bernard '213 patent. However, it is respectfully submitted that amended independent claim 23 clearly and patentably distinguishes over the Abecassis '367 patent in any combination with the Bernard '213 patent.

The Abecassis '367 patent and the Bernard '213 patent in no way disclose or suggest a method as recited in amended claim 23. The Bernard '213 patent does not cure the deficiencies of the Abecassis '367 patent in that the Abecassis '367 patent and the Bernard '213 patent do not disclose a distribution system for distributing multimedia including an input device that receives multimedia material and associated advertising material, and transferring the materials into a first memory domain of a first central processing unit in a digital format, a third memory domain for receiving market data in response to an order for the materials; and a digital feature film

projector in data communication with a second central processing unit for displaying the digital format as a feature film onto a screen for presentation to an audience, the feature film being stored in the digital format in a second memory after being transferred via the communications network from the first memory.

Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent claim 23 is patentable and not obvious over the Abecassis '367 patent in any combination with the Bernard '213 patent. Reconsideration and withdrawal of the rejections are respectfully requested.


In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-23 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicant's undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to ***Deposit Account No. 50-0369***. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge ***Deposit Account No. 50-0369*** therefor.

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Respectfully submitted,

By:   
Anthony H. Handal, Esq.  
Reg. No. 26,275  
Customer No. 21710  
Attorney for Applicant  
Brown Rudnick Berlack Israels LLP  
Seven Times Square  
New York, New York 10036  
Tel: 212.209.4942  
Fax: 212.209.4801